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RESPONSE UNDER

37 C.F.R. § 1.116

EXPEDITED PROCEDURE

EXAMINING GROUP 1752

PATENT

2870-0164P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Toyohisa OYA et al. Conf.: 5742
Appl. No.: 09/809,178 Group: 1752
Filed: March 16, 2001 Examiner: Thorl Chea
For: PHOTOTHERMOGRAPHIC MATERIAL AND METHOD
FOR FORMING IMAGES

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 4, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated May 5, 2003 of the Primary Examiner finally rejecting claims 17-29.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

☒ An extension of two (2) month(s) for responding to the Final Rejection was previously requested and paid for on October 6, 2003. Thus a fee of \$530.00 is required to obtain an additional one (1) month(s) for filing the Notice of Appeal.

11/05/2003 RHARIS1 00000047 09809178

01 FC:1401
02 FC:1253

330.00 OP
530.00 OP

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$330.00

☐ Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$860.00.

Payment of the above TOTAL FEE is being made in the following manner:


☒ Check(s) in the amount of \$860.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP.

By  #42874
for Marc S. Weiner, #32,181

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2870-0164P

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